

Senate does its business, rather than to what we face today, which is additional skepticism and cynicism by virtue of the fact that the Senate does so much business at the end of a session in secret.

I thank my colleague from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Parliamentary inquiry. Is there any time limits? I know we vote at 5:00.

The PRESIDING OFFICER. The Senate is in morning business until 5:10, at which time a vote will occur.

Mr. GRASSLEY. Madam President, before I start to debate this issue, I should say thank you to my colleague from Oregon for his leadership in this area. He has worked very hard on it. I have been very happy to be supportive of him—and I am fully supportive of him. I have told him how secret holds have affected me and now both he and I practice what we preach—that is, we declare our intentions to put a hold on a piece of legislation if we decide to take that action. Obviously, being open about placing a hold has worked for us and it is a sound practice.

I want to state the proposition that eventually what is right is going to win out in the Senate. I know that constituents are skeptical about right winning out in this body, and I suppose sometimes it takes a long time for right to win out; but I believe if you feel you are in the right, and that you are pursuing the right course of action and, particularly, as in this case, when your opponents don't have a lot to say about what you are trying to do, I think you can be confident that you are pretty much on the right course. There wasn't much opposition to this expressed on the floor of the Senate last year. My guess is that there won't be a lot expressed this year either, and eventually we will win. I think we will win this year. But if we don't, we are going to win sometime on this proposition because it is so right and because we are not going to give up.

I know persistence pays because it took me about 6 years, ending in 1995, to get Congress covered by a lot of legislation that it exempted itself from. A lot of laws were applicable to the rest of the country and were not applicable to those of us on Capitol Hill. That was wrong. It was recognized as being wrong. So I presented the motions to accomplish the goal of getting Congress to obey the laws everyone else had to follow. They were hardly ever argued against on the floor of this assembly. But in the "dark dungeons" where conference committees are held, somehow those provisions were taken out—until after about 6 years of discussing the issue of congressional exemptions, and the public becoming more aware of this shameful situation, finally there was enough embarrassment brought to Congress that we could not keep that exemption from those laws any longer. So we passed

the Congressional Accountability Act early in 1995. It was the first bill signed that year by the President of the United States. We have ended those exemptions that were so wrong.

I still remember that, early on in that period of time, how my colleagues would just say privately to me, "What a terrible catastrophe it is going to be for the Congress to have to live under these laws that apply to the rest of the Nation"—laws like civil rights laws, worker safety laws, et cetera. We have had to live under those laws for 3 years now, and it hasn't harmed us at all. It has been good for the country to have those of us that make laws have to actually understand the bureaucratic morass and red tape you have to go through to meet those laws, and some of the conditions on employment, some of the working conditions in the office, some of the wage and hour issues that private employers have to go through. We understand those now. We have to be sympathetic to their arguments more because we have to live under those laws.

Well, that is one example of right ultimately winning. That brings me to what is right about this. There are plenty of reasons for holds, and there is nothing really wrong with holds. There is nothing that our legislation says is wrong with holds. But the reasons can be purely political. Sometimes holds are put on for one colleague to use as leverage with another colleague, to move something that maybe another individual is blocking. There can be truly flawed legislation, and maybe there such holds legitimately allow more time to work things out. However, other holds can be purely a stalling tactic. A hold could be all could be for all of those reasons and more. It doesn't matter what the reason is. We don't find fault with those reasons. We only say that the people that are exercising the hold, for whatever reason, ought to say so, and why.

It is going to cause the Senate, I think, with our amendment, to be run more openly and efficiently. It is going to lift one of the veils of secrecy. It is not going to lift all of the veils of secrecy in a parliamentary body. I don't know that I would call that all of them be lifted. I am not sure I could even enumerate all of the layers of secrecy that might go on. But this is one form of secrecy that is not legitimate.

As I said, we do not ban holds or the use of them, for whatever reason they might be made. We just stipulate that they must be made public so that we know who is putting the hold on. We would like to know why the hold is being put on, but that is not even a requirement in our legislation. Just tell who you are. You don't even have to say why. It is pretty simple. It is pretty reasonable.

A lot of my colleagues, I think, fear retribution. If they are putting a hold on for a legitimate reason, why should they have to fear that? Maybe the greater good of the body, the greater

good of the country would be their motivation. They might think they would experience some sort of retribution and that is why they may not want their hold to be known. I say that, after 2 or 3 years of practicing open holds myself, there is no fear of a hold being known. I can tell you this: I probably was somewhat nervous the first time I announced that I was going to make public in the CONGRESSIONAL RECORD why I was putting a hold on. I thought that maybe I was opening myself up to a lot of retribution, a lot of trouble that I don't need. I probably don't use holds very often. You could probably count the number of times on one hand that I would use a hold in the course of a Congress. Regardless, the times that I have done it, I can tell you that there is no pain. No harm came to me. There is no retribution that came to me as a result of it from any of my colleagues. And 98 others beside Senator WYDEN and myself could do that, and they don't.

I can tell you about the problems I have had finding out who has a hold, why they have a hold; and then we have had these rotating holds where somebody has found out and some friend will put a hold on in his place. You run those things down. It is not a very productive way to be a Senator. If I can go to the CONGRESSIONAL RECORD and find out who doesn't like my proposition, who doesn't like this nominee, et cetera, I can go to that individual and just talk up front about the reason, and I think it will even speed up the work of the Senate. If each Senator can be a little more efficient, then the Senate is going to be a little more efficient body as a whole.

So this is one of those things that, from every angle—every reason for making a hold open is a good reason. Look at all of the prospective opposition to it and the reasons for the opposition. First of all, people don't very freely express opposition to it. But when they do express an argument against making holds open, it is not a very good reason to be against it. When you have these public policy arguments for making holds open that are good, good, good, why should we waste any time? They just ought to be adopted; they ought to be a part of the practice and make the public's business more public. That is what the Wyden-Grassley amendment is all about. I hope my colleagues will support us in this effort.

I yield the floor.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

#### PRIVILEGE OF THE FLOOR

Mr. INOUE. Madam President, on behalf of the Senator from Illinois, Mr. RICHARD J. DURBIN, I ask unanimous consent that Mr. Christopher Midura, a legislative fellow with his staff, be accorded privileges of the floor during consideration of both S. 2057 and S. 2132.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEDERAL DAIRY POLICY

Mr. FEINGOLD. Madam President, I rise today to discuss our archaic and unjust Federal Dairy Policy: it is hopelessly out-of-date, completely out-of-touch with reality and an outrageous way to treat the hard-working dairy farmers of the Upper Midwest, particularly Wisconsin.

Federal dairy policy has been putting small dairy farms out of business at an alarming rate, Madam President. The Northeast loses 200 dairy farms per year, which is bad enough. Meanwhile, Wisconsin is losing 200 per month, which is disastrous. That's about 5 dairy farms per day! The greatest force driving Wisconsin's dairy farmers out of business and off the land is the current structure of the Federal Dairy Program.

The Federal Dairy Program was developed back in the 1930's, when the Upper Midwest was seen as the primary producer of fluid milk. The idea was to encourage the development of local supplies of milk in other areas of the country that had not produced enough to meet local needs. It wasn't a bad idea for the 1930's, but those days are gone.

Six decades ago, the poor condition of America's transportation infrastructure and the lack of portable refrigeration technology prevented Upper Midwest producers from shipping fresh fluid milk to other parts of the country. Providing an artificial boost to milk prices in other regions to encourage local production made sense, in the 1930's, that is.

So, in 1937, we passed legislation authorizing higher prices outside the Upper Midwest. These artificial bumps in prices are referred to as Class I differentials. Mr. President, this system is sometimes referred to as the "Eau Claire" system. Do you know why? Believe it or not, it's called the Eau Claire system because it allows dairy farmers to receive a higher price for their milk in proportion to the distance of their farms from Eau Claire, Wisconsin.

So the farther away you are from Eau Claire the better off you are. A dairy farmer, as any dairy farmer from Wisconsin, would tell you that a better name really for this system is the anti-Eau Claire system, because it doesn't treat farmers very well who live close to Eau Claire, Wisconsin.

The system's entire purpose was designed to put dairy farmers in Wiscon-

sin and its neighboring states at a disadvantage. And unfortunately it worked well—too well. Now, we look on as trucks from other regions of the country come into Wisconsin, historically America's dairyland, with milk to be processed into cheese and yogurt. The current Federal Dairy Program is now working only to shortchange the Upper Midwest, and in particular, Wisconsin dairy farmers.

Madam President, it's time to change a system that is completely out of date and is short-changing upper Midwest dairy farmers to the brink of extinction.

But, instead, we have further aggravated the inequities of the Federal milk marketing orders system. Despite the discrimination against dairy farmers in Wisconsin under the Eau Claire rule, the 1996 Farm Bill provided the final nail in the coffin when it authorized the formation of the Northeast Interstate Dairy Compact.

Madam President, the Northeast Interstate Dairy Compact sounds benign, but its effect has been anything but, magnifying the existing inequities of the system. It establishes a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher even than those established under Federal Milk Marketing Orders. Never mind that the Federal milk marketing order system, under the Eau Claire rule, already provided farmers in the region with minimum prices higher than those received by most other dairy farmers throughout the nation.

The compact not only allows the six States to set artificially high prices for their producers, it allows them to block entry of lower priced milk from producers in competing States. To give them an even bigger advantage, processors in the region get a subsidy to export their higher priced milk to non-compact States. It's a windfall for Northeast dairy farmers. It's also plainly unfair and unjust to the rest of the country.

Who can defend this system with a straight face? This compact amounts to nothing short of government-sponsored price fixing. It's outrageously unfair, and it's also bad policy: It blatantly interferes with interstate commerce and wildly distorts the marketplace by erecting artificial barriers around one specially protected region of the Nation; it arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good or better; it irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk

prices for producers everywhere else in the country; you don't often hear about it but the compact imposes higher retail milk prices on the millions of consumers in the Compact region; it also imposes higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch programs that provide milk and other dairy products.

As a price-fixing device, the Northeast Interstate Dairy Compact is unprecedented in the history of this Nation. In its breadth and its disregard for economic reality, it's in a class by itself.

Madam President, in addition to the current problems, language in the reported Agriculture Appropriations bill in the other body extends USDA's rule-making period by six months, thereby extending the life of the Northeast Interstate Dairy Compact by six months. Wisconsin's producers cannot withstand another six months of these unfair pricing policies.

Wisconsin's dairy farmers are being economically crippled by these policies. It's time to bring justice to federal dairy policy, and give Wisconsin dairy farmers a fair shot in the market place.

In an effort to repair some of the damage that sixty years of this awful system has caused, I have worked with colleagues to bring the true nature of this system to light and offer some alternatives.

To strike at the heart of the problem, I have introduced legislation in the Senate to kill the notorious Eau Claire system. The measure simply would forbid USDA from using Eau Claire, Wisconsin as the sole basing point when pricing milk.

And I am cosponsoring legislation to repeal the Northeast Interstate Dairy Compact. I'm working hard to prevent the compact's extension and expansion, and to prevent the formation of other regional dairy compacts. Compacts of this kind are unfair and they need to be abolished along with this entire system which has been plaguing Wisconsin farmers for more than sixty years.

Also, I have cosponsored the Dairy Reform Act of 1998, introduced by Senator GRAMS, which establishes that the minimum Class I price differential will be the same for each marketing order at \$1.80/hundredweight. What could be more fair than that? Given a level playing field, I know Wisconsin farmers can compete against any farmers in the nation.

The Dairy Reform Act ensures that the Class I differentials will no longer vary according to an arbitrary geographic measure—like the distance from Eau Claire, Wisconsin. This legislation identifies one of the most bizarre and unjustly punitive provisions in the current system, and corrects it. There is no justification to support non-uniform Class I differentials in present day policy.

I first learned of the profound inequity of the Federal dairy program